



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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August 9, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO ^{RHG}
Assistant County Counsel
Law Enforcement Services Division

RE: **Non-Litigated Claim of the California Joint Powers Insurance
Authority on Behalf of the City of West Hollywood**
Claim Number 10-1082666*001

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisors' agenda of August 21, 2012.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Non-Litigated Claim of the California Joint Powers Insurance Authority on Behalf of the City of West Hollywood, Claim No. 10-1082666*001 in the amount of \$150,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works Contract Cities Trust Fund's budget.

This claim alleges County maintained backup pump failed causing damage to condominium building.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Non-Litigated Claim of California Joint Powers Insurance Authority on behalf of City of West Hollywood
CASE NUMBER	N/A
COURT	N/A
DATE FILED	September 2, 2010
COUNTY DEPARTMENT	Department of Public Works – Branch 5 – Sewer Maintenance
PROPOSED SETTLEMENT AMOUNT	\$150,000
ATTORNEY FOR PLAINTIFF	N/A
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	On June 18, 2008, a Department of Public Works Sewer Maintenance crew responded to an emergency call for service from the City of West Hollywood arising from the collapse of a section of the main line. Flow was diverted using a bypass pump on one end of the main line. The bypass pump failed while it was unattended, resulting in an overflow of sewage from a man hole to an adjacent condominium building. The City negotiated a settlement of the repairs and replacement of the property, including the personal property

damaged in the unit, for a total of \$164,427.

Under an agreement to provide services to the City, the County was obligated to pay for damages caused by its acts or omissions.

Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
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PAID COSTS, TO DATE	\$	0
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Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim/Lawsuit: Date of incident/event:	CJPIA - City of West Hollywood June 20, 2008
Briefly provide a description of the incident/event:	<p>On June 18, 2008, the main sewer line located at 946 North Doheny Drive, in the City of West Hollywood, experienced a backup and caused wastewater to overflow into the storm drain system. A Sewer Maintenance Division (SMD) crew responded to the location at 1 30 p.m. and observed sewage overflowing from the plumbing fixtures at 946 North Doheny Drive into the storm drain at 801 North Doheny Drive. The crew contained the spill with absorbent socks and swept solids back into the sewer collection system.</p> <p>The crew attempted to break down the stoppage in the main sewer line between Manhole Nos. 22 and 40 of Sewer Maintenance District Map S-1529 on Doheny Drive but were unsuccessful. After further inspection with a closed-circuit television, the crew discovered the main sewer line was broken. The crew set up a pump to bypass the break in the line; however, on June 20, 2008, a pump malfunction resulted in an overflow at Manhole No. 40. As a result, the crew observed a floodout at 1014 North Doheny Drive.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The malfunction occurred when the pump inlet hose became stuck to the bottom and/or side of the manhole, which caused the pump to lose its siphon. The crew shut off the pump, unhooked the hose, primed the pump, reattached the inlet hose, and restarted the pumping operation. During that time, the floodout occurred at 1014 North Doheny Drive.

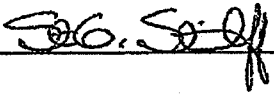

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions.
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)


As of August 29, 2011. SMD built redundancy into their bypass operations to prevent a reoccurrence of a floodout due to a pump malfunction by either having a second pump onsite and ready to utilize or keeping a hydro/vac truck onsite to respond to problems with the pump operation.

3. State if the corrective actions are applicable to only your department or other County departments.
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has a Countywide implication.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff 	10-17-2011
Signature: (Director)	Date:
Gail Farber 	11-7-11

Chief Executive Office Risk Management Branch

Name:	Date:
LEO COSTANTINO	
Signature:	Date:
	11-10-2011

RS:psr
P4:ICJPIA SCAP1

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIM OF: CJPIA - City of West Hollywood

INCIDENT DATE: June 20, 2008

INCIDENT LOCATION: 1014 North Doheny Drive, City of West Hollywood

RISK ISSUE:

The County may be liable for loss or damage resulting from wrongful or negligent acts of its employees.

The County may be liable in inverse condemnation if a public improvement fails and is a substantial factor in causing damage to private property

INVESTIGATIVE REVIEW:

On June 18, 2008, the main sewer line located at 946 North Doheny Drive, in the City of West Hollywood, experienced a backup and caused wastewater to overflow into the storm drain system. A Sewer Maintenance Division (SMD) crew responded to the location at 1:30 p.m. and observed sewage overflowing from the plumbing fixtures at 946 North Doheny Drive into the storm drain at 801 North Doheny Drive. The crew contained the spill with absorbent socks and swept solids back into the sewer collection system.

The crew attempted to break down the stoppage in the main sewer line between Manhole Nos. 22 and 40 of Sewer Maintenance District Map S-1529 in Doheny Drive but were unsuccessful. After further inspection with a closed-circuit television, the crew discovered the main sewer line was broken. The crew set up a pump to bypass the break in the line; however, on June 20, 2008, a pump malfunction resulted in an overflow at Manhole No. 40. As a result, the crew observed a floodout at 1014 North Doheny Drive.

The malfunction occurred when the pump inlet hose became stuck to the bottom and/or side of the manhole, which caused the pump to lose its siphon. The crew shut off the pump, unhooked the hose, primed the pump, reattached the inlet hose, and restarted the pumping operation. During that time, the floodout occurred at 1014 North Doheny Drive.

POLICY ISSUES:

The City of West Hollywood (City) is not part of the Consolidated Sewer Maintenance District. SMD provides general routine maintenance and emergency sewer services to the City through the General Services Agreement. This agreement includes an Assumption of Liability Agreement, which sets forth the circumstances by which the County will indemnify the City.

RS:psr
P4:VCJPIA - CAP1